

OSHA rethinks capacity rule, delays crane certification

US regulator OSHA has announced it will delay implementation of the operator certification requirement of its federal cranes and derricks rule by three years, from 2014 to 2017, following widespread condemnation of an interpretation of the rule that would require operators to be certified based on crane capacity.

OSHA announced the plan for a delay on May 22. As well as delaying implementation of the certification requirement to November 10 2017, the agency said it is considering a separate rulemaking to address concerns over the certification requirement.

Rob Weiss, vice president of New York hirer Cranes Inc and a member of the Cranes and Derricks Advisory Committee (C-DAC) that helped develop the standard through a negotiated rulemaking, condemned the delay: "Delay in the

implementation of an operator certification requirement is troubling and does nothing to advance safety. Way back in 2003, C-DAC determined that certification was necessary in order to raise the level of operator competency in America. The lengthy bureaucratic process of approval assured that the new standard was delayed for six years before being published as a rule.

"The crux of the issue is that the standard has a requirement that operators be certified based on the type and capacity of the crane they will operate. We never believed that capacity had any relevance in judging the skills of an operator, despite what was written.

"When we drafted the rule, the National Commission for the Certification of Crane Operators (NCCCO) was the only accredited and OSHA-recognized certification

body for crane operators in the US, and, as such, we carefully studied their testing scheme. NCCCO certified operators on the basis of crane type, with the sole exception of telescopic boom cranes below 17.5 tons. Crane capacity was meaningless; it simply represented the break point between fixed cab and swing cab machines. However, to ensure that C-DAC was in sync with NCCCO's tests, we included the word capacity.

"Letting this issue delay the certification process was not necessary. Frankly, the crane industry does not support certification by capacity, nor does it see any safety benefit in testing by capacity. I can only hope that OSHA uses this delay to correct an inadvertent error in its rule."

Graham Brent, executive director of the NCCCO, took a more

conciliatory approach to the decision, saying, "The most important part I believe is not the fact that OSHA will propose to extend the compliance date, but why this additional time would be needed. A separate rulemaking could take a while, it could run right into the current deadline.

"Although this time extension will be viewed by many as a further "delay" and will not be popular, I believe, in the industry, the announcement taken as a whole is really a vindication of the industry's efforts over the past year to get OSHA to understand that there are some serious flaws in the way it was planning to interpret key provisions of para. 1427, i.e. the "certification by capacity" and the "certification = qualification" issues. So, to that extent, we would view this news positively."